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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,415	08/29/2006	Chaim Ash	7044-X06-018	4287
27317 7590 03/31/2009 Fleit Gibbons Gutman Bongini & Bianco PL 21355 EAST DIXIE HIGHWAY SUITE 115 MIAMI, FL 33180				
EXAMINER				
ALSOMIRI, ISAM A				
ART UNIT		PAPER NUMBER		
3662				
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03/31/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,415

Applicant(s)

ASH ET AL.

Examiner

ISAM ALSOMIRI

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-30, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 17-24 is/are allowed.
- 6) ☒ Claim(s) 25-30, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien US006512478B1 in view of Waddel et al US006204813B1.

Referring to claim 25, Chien discloses in figures 2A-4A, a wireless communication system for performing measurements and positioning of objects in a given area 304, said system comprised least one field beacon 301 positioned at a target object; a central signal collector 313, comprised of at least three base beacons 305, 307, and 309 assembled in a polygon design of known dimensions, wherein each base beacon communicates with each of the field beacons (figure 2A); application software, wherein said software performs measurement calculations based on communication signal characteristics between the field beacons and the base beacons of the central collector (Abstract).

Chien teaches a tracking system (see Abstract); however is silent about generating computerized drawings of a target. Waddel teaches a similar system which tracks targets and generates computerized drawings (see col. 6 lines 36-54). It would

have been obvious to modify Chien's system to including the generating step for viewing the objects and distinguishing between different objects.

Referring to claim 28, Chien teaches the central signal collector position is initialized by a GPS device or in relation to at least three non-coplanar field beacons (col. 3 lines 15-22).

Referring to claim 30, Chien teaches the step of relaying communication by the field beacons enabling communication between distanced beacons which are not in the communication range of the central collector (see figure 5A).

Regarding claim 29, Chien does not mention creating ad hoc signal collectors. However, an ad hoc network is well known and it would have been obvious to modify Chien's system to include creating the ad hoc network for expandable coverage.

Regarding claim 33, it would have been obvious to use the system in surveying an area before, after, or even during a construction.

Regarding claim 26-27, and 34, it is clear that all the limitations for these claims are alternatives to claims 28 and 33. It would have been obvious to one of ordinary skill in the art to use the alternative methods or means given the main concept (for example using ultrasonic signals instead of RF).

Allowable Subject Matter

Claims 1-14 and 17-24 are allowed.

Response to Arguments

Applicant's arguments, see remarks, filed December 8, 2008, with respect to claim 1 and all the dependent claims thereof, have been fully considered and are persuasive. The rejections of claims 1-14 and 17-24 have been withdrawn.

With respect to claim 25, applicant's arguments filed December 8, 2008 have been fully considered but they are not persuasive. Applicant argues that "Amended claim 25 now includes *inter alia* the stage of generating computerized drawings of the given structure based on the performed calculations, which is not mentioned nor suggested by Chien, and is in fact a new concept in relation to Chien" (remarks page 12). However, the above concept was taught by Waddel as mentioned above. Therefore, the combination of Chien and Waddel teaches all the limitations of claim 25.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAM ALSOMIRI whose telephone number is (571)272-6970. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isam Alsomiri/
Primary Examiner, Art Unit 3662

March 28, 2009